

**CHILD SUPPORT PROGRAM  
COMPLIANCE WITH STATE PLAN**

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**TABLE OF CONTENTS**

**CHAPTER 12-900 COMPLIANCE WITH STATE PLAN FOR DETERMINING  
PATERNITY, SECURING CHILD SUPPORT, AND ENFORCING SPOUSAL  
SUPPORT ORDERS**

	<b>Section</b>
Scope.....	12-901
Definition.....	12-902
Voluntary Corrective Procedures.....	12-903
Notice of Intent to Enforce Compliance .....	12-904
Compliance Conference.....	12-905
Sanctions.....	12-906
Compliance With Merit System Requirements .....	12-907
Responsibility for Funding .....	12-908

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**CHAPTER 12-900 COMPLIANCE WITH STATE PLAN FOR DETERMINING  
PATERNITY, SECURING CHILD SUPPORT, AND ENFORCING  
SPOUSAL SUPPORT ORDERS**

**12-901 SCOPE 12-901**

This chapter governs the procedure that shall be followed when the Director determines pursuant to Welfare and Institutions Code Section 11475.2 that a public agency, as defined in Section 12-902, is failing to comply with the provisions of the State Plan relating to determining paternity, securing child support, and enforcing existing spousal support orders when enforced in conjunction with a child support obligation. All compliance matters relating to determining paternity, child support, and enforcing spousal support orders shall be subject to the provisions of this chapter rather than the provisions of Chapter 12-800.

**12-902 DEFINITION 12-902**

A public agency for the purposes of this chapter is the county district attorney who is required by law, by delegation of the Department, or by cooperative agreement to perform functions relating to the State Plan for determining paternity, securing child support and enforcing spousal support orders when enforced in conjunction with the child support obligation.

**12-903 VOLUNTARY CORRECTIVE PROCEDURES 12-903**

When the Director becomes aware of a potential compliance problem under the State Plan for determining paternity, securing child support, and enforcing spousal support, the Director shall initially proceed as follows:

- .1 Where the potential for a compliance problem may exist in a county welfare department, the Director shall contact the county director regarding the potential problem to determine the extent of the problem and what steps the county is taking to avoid or correct it. If there is reasonable cause to believe that a potential compliance problem may exist, the Director shall assign Department staff to work with the county director to achieve a voluntary correction of the potential problem.
- .11 If the potential compliance problem relates to county functions carried out under a plan of cooperation with the county district attorney's office, the Director shall also contact the district attorney and request his/her assistance in correcting the problem.

<b>12-903</b>	<b>VOLUNTARY CORRECTIVE PROCEDURES (Continued)</b>	<b>12-903</b>
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- .2 Where the potential for a compliance problem may exist in regard to State Plan functions carried out by a district attorney's office pursuant to a plan of cooperation, the Director may contact the district attorney to determine the extent of the problem, if any. If there is reasonable cause to believe that a potential compliance problem may exist, the Director shall contact the Attorney General's Office in working with the district attorney to achieve a voluntary correction of the potential compliance problem.

<b>12-904</b>	<b>NOTICE OF INTENT TO ENFORCE COMPLIANCE</b>	<b>12-904</b>
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- .1 If the procedures described in Section 12-903 do not result in a voluntary correction of a compliance problem and the Director thereafter finds that the public agency is failing in a substantial manner to comply with any provision of the State Plan for determining paternity, securing child support, and enforcing spousal support, and that sanctions are necessary to secure compliance, the Director shall put such agency on written notice to that effect.
- .2 The notice shall contain:
- .21 A reference to each provision of the State Plan with which the Director considers the public agency to be failing to comply;
- .22 A brief explanation of the Director's reasons for believing that such noncompliance exists;
- .23 A statement regarding which of the sanctions provided in Section 12-906 the Director intends to invoke; and
- .24 The date for which the compliance conference provided for in Section 12-905 is scheduled.
- .3 The notice shall be sent to the public agency at least 30 days before the date of the compliance conference.
- .31 When the notice of intent to enforce compliance is sent to a county welfare department, copies of the notice shall be sent to the county district attorney and the county board of supervisors.
- .32 When the notice of intent to enforce compliance is sent to a district attorney, copies of the notice shall be sent to the Attorney General, the county welfare department and the county board of supervisors.

<b>12-905</b>	<b>COMPLIANCE CONFERENCE</b>	<b>12-905</b>
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- .1 Any of the persons or agencies who received a copy of the notice of intent to enforce compliance pursuant to Section 12-904.3 may attend the compliance conference.
  - .11 If the compliance conference involves State Plan functions carried out by a district attorney, the Director shall request the Office of the Attorney General to send a representative to the compliance conference.
  - .12 If a district attorney who wishes to attend the compliance conference pursuant to the provisions of Section 12-905.1 requests that a representative from the Office of the Attorney General be present, the Director shall request the Office of the Attorney General to send a representative to the conference.
- .2 At the compliance conference, the public agency may:
  - .21 Present evidence of full compliance; or
  - .22 Present a plan for achieving compliance in an expeditious manner.
- .3 If, at the compliance conference, the public agency makes a showing to the Director of full compliance or sets forth a compliance plan which the Director finds to be satisfactory, the Director shall rescind the notice of intent to enforce compliance.
- .4 If, at the compliance conference, the public agency fails to establish that it is in compliance, or fails to present a satisfactory plan for noncompliance, the Director may proceed to invoke the proposed sanction(s) after notifying the public agency of his/her decision pursuant to Section 12-905.5.
- .5 The Director shall notify the public agency of his/her decision within ten days of the conference.
  - .51 If the public agency is a district attorney's office, the Director shall consult with the Office of the Attorney General before making his/her final decision.
- .6 If the public agency chooses not to attend the scheduled compliance conference, the Director may proceed to invoke the proposed sanction(s) after the date of the compliance conference has passed.

12-906	CHILD SUPPORT PROGRAM COMPLIANCE WITH STATE PLAN	Regulations
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## 12-906 SANCTIONS

12-906

The Director may, at any time after giving the public agency notice in accordance with Section 12-904 and subject to the provisions of Section 12-905, invoke either or both of the following sanctions:

- .1 The Director may withhold part or all of state and federal funds, including incentive funds, from the public agency until the public agency makes a showing to the Director of full compliance; or
- .2 The Director may notify the Attorney General that there has been a failure to comply with the State Plan. The Attorney General shall then take appropriate action to secure compliance.
- .21 The Director shall, upon request, cooperate with the Attorney General in developing and carrying out any compliance action which the Attorney General deems appropriate to compel compliance.

## 12-907 COMPLIANCE WITH MERIT SYSTEM REQUIREMENTS

12-907

- .1 If the State Personnel Board certifies to the Director that a public agency which is subject to merit system standards is not in conformity with applicable merit system standards under Part 2.5 (commencing with Section 19800) of Division 5 of Title 2 of the Government Code, the notice and conference provisions of this chapter shall not apply.
- .2 Upon receipt of a certification from the State Personnel Board, the Director may immediately proceed to invoke either or both of the sanctions provided in Section 12-906.

## 12-908 RESPONSIBILITY FOR FUNDING

12-908

Nothing in this chapter shall be construed as relieving the board of supervisors of the responsibility to provide funds necessary for the continued operation of the State Plan as required by law.